REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following comment, is respectfully requested.

Claims 4 and 6-10 are pending in this application. Claim 4 is amended, and support for the amendment is found in original Claims 1 and 4 and the Applicants' specification at page 24, lines 11-12. Claims 1-3 and 5 are cancelled without prejudice or disclaimer. Claims 6-10 are newly added. Support new Claim 6 is found in the Applicants' specification at page 14, lines 26-27. Support for new Claim 7 is found in the Applicants' specification at page 14, lines 22-25. Support for new Claim 8 is found in the Applicants' specification at page 15, lines 8-13. Support for new Claim 9 is found in original Claims 1, 4, and 5, and support for new Claim 10 is found in the Applicants' specification at page 8, lines 5-24. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. §102(e) as anticipated by Klein (U.S. Patent No. 6,038,672); Claims 1 and 3 were rejected under 35 U.S.C. §102(e) as anticipated by Jacobs et al. (U.S. Patent No. 6,073,187, hereinafter Jacobs); Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Klein in view of Du et al. (U.S. Patent No. 6,675,233, hereinafter Du); Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Jacobs in view of Oshima (U.S. Patent No. 5,473,584); and Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Jacobs and Oshima as applied to Claim 4, and further in view of Du.

Briefly recapitulating, amended Claim 4 recites a computer including a means for storing audio data; a means for reproducing the audio data; a switch configured to instruct audio data reproduction; a means for activating the computer by operation of the switch when the computer is powered off, is in a standby state, and in a pause state; and a control means for detecting an activation factor at the time of computer activation. When the activation

factor is due to operation of the switch, the reproducing means is initiated and reproduces "the audio data in accordance with a play list for specifying a reproduction order of the audio data." The reproducing means acquires identification information on "audio data that was reproduced immediately before, at the end of reproduction operation," and stores the acquired identification information at the start of a next reproduction. The control means starts reproduction of the audio data according to the stored identification information. New Claim 9 recites a computer including similar features as discussed above with respect to amended Claim 4, as well as "a second reproducing means for reproducing audio data stored in an optical disk medium."

According to the structure of the computer recited in amended Claim 4, reproduction of digital audio data such as MP3 data stored in the hard disk or memory card can be carried out using a single switch operation irrespective of a computer state. Thus, the computer recited in amended Claim 4 enables easy and quick reproduction and controlling of digital audio data, irrespective of whether the system is active or inactive. Further, the computer recited in new Claim 9 enables a computer capable of reproducing both audio data stored in the hard disk or memory card and audio data from an optical disk medium to quickly and easily instruct the computer to begin reproducing data from the hard disk, memory card, or optical disk medium or to switch from reproducing data from the hard disk or memory card to reproducing data from the optical disk medium with a single switch operation regardless of whether or not the system is active or inactive, thereby providing excellent operability.

As shown in the non-limiting example of Fig. 12, when an operating knob 116a of the mode control switch 116 is slid to the slide position PD when a system is in a power off state, a standby state, or a pause state, reproduction processing of audio data, such as MP3 data, stored in the hard disk or memory card is executed.[1] More specifically, the sliding of

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[1] Applicants' specification, page 24, lines 6-12.

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operating knob 116a results in mode control switch 116 activating the system. After the

system is activated the system recognizes that the system was powered on by operation of the

mode control switch 116, and the digital sound player is initiated.[2]

Jacobs describes an audio CD mode switch 56 which can be operated even if the

display panel is closed.[3] However, Jacobs does not teach or suggest a playback of audio data

stored in the hard disk or a memory card based on a play list. Therefore, it is respectfully

submitted that Jacobs does not teach or suggest a reproducing means that "comprises means

for reproducing the audio data in accordance with a play list for specifying a reproduction

order of the audio data," as recited in amended Claim 4. Further, Jacobs does not teach or

suggest a reproducing means that further includes "means for acquiring identification

information on the audio data that has been reproduced immediately before, at the end of

reproduction operation, and storing the acquired identification information at the start of a

next reproduction" and a control means "for starting reproduction from the audio data

according to the stored identification information."

Oshima describes that a final music number and the like are recorded on the magnetic

recording region and when the medium 2 is inserted into the apparatus 1, a table of contents

is reproduced and displayed so that a user can select a continue mode or not.[4] (col. 23, lines

8-28). However, Oshima also does not playback audio data stored in the hard disk drive

based on a play list. Therefore, it is respectfully submitted that Oshima also fails teach or

suggest a reproducing means that "comprises means for reproducing the audio data in

accordance with a play list for specifying a reproduction order of the audio data," as recited

in amended Claim 4. Thus, Oshima does not cure the deficiencies of Jacobs discussed above

with respect to amended Claim 4.

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[2] Applicants' specification, page 26, line 15 to page 27, line 23.
[3] Jacobs, column 4, lines 11-45.
[4] Oshima, column 23, lines 8-28.

Therefore, it is respectfully submitted that neither <u>Jacobs</u> nor <u>Oshima</u>, either alone or in any proper combination, teach or suggest "means for storing audio data including at least one of a hard disk and a semiconductor memory" and "means for reproducing the audio data in accordance with a play list for specifying a reproduction order of the audio data," as recited in amended Claim 4. Accordingly, it is respectfully requested that the rejection to Claim 4 under 35 U.S.C. §103(a) be withdrawn.

Claims 1-3 and 5 are cancelled without prejudice or disclaimer, and therefore, the rejections pertaining to these claims are moot. However, since newly added Claims 6-10 contain subject matter similar to cancelled Claims 1-3 and 5 the cited references will be discussed.

<u>Klein</u> is directed to a power-serving computer containing a peripheral device that, when used alone, requires the CPU of the computer to be powered-on for a short period of time needed for the CPU to translate a user-specified command into a command that the CPU then transmits to the peripheral device.[5] <u>Klein</u> describes the playback of an audio CD by a CD-ROM drive upon the operation of push-button switch that controls playback of audio CD by the CD-ROM drive during power-down of the computer.[6] <u>Klein</u> does not describe a means for reproducing audio data from a "means for storing audio data including at least one of a hard disk and a semiconductor memory," as recited in amended Claim 4 and new Claim 9. Therefore, Klein also does not teach or suggest a playback of audio data stored in the hard disk or a memory card based on a play list.

<u>Du</u> describes a playback of MP3 stored in a hard disk drive or a CD.[7] However, <u>Du</u> does not describe a "means for activating the computer by operation of a switch configured to instruct audio data reproduction when the computer is powered off, is in a standby state, and in a pause state; and control means for detecting an activation factor at the time of computer

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[5] <u>Klein</u>, Abstract.
[6] <u>Klein</u>, column 2, line 60 to column 3, line 8.
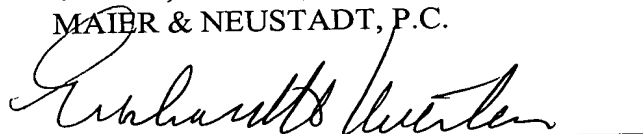[7] <u>Du</u>, column 6, lines 17-35.

activation, and, when the activation factor is due to operation of said switch, initiating a reproducing means," as recited in amended Claim 4.

New Claims 6-10 recite similar features to amended Claim 4 as discussed above. Accordingly, it is respectfully submitted that new Claims 6-10 are patentably distinguished over the cited references in light of the above-identified features of amended Claim 4 and the deficiencies of the cited references discussed above.

Consequently, in view of the present amendment and in light of the above comments, it is respectfully submitted that amended Claim 4 and new Claims 6-10 are patentably distinguished over the cited references of record. As no further issues are believed to be outstanding in this application, the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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